

AMENDED IN ASSEMBLY JUNE 25, 2002

AMENDED IN SENATE MAY 23, 2002

AMENDED IN SENATE MAY 1, 2002

AMENDED IN SENATE APRIL 15, 2002

SENATE BILL

No. 1420

Introduced by Senator Johannessen

February 14, 2002

An act to amend Section 44014 of the Health and Safety Code, and to amend Sections 27150.1, 27150.2, and 27150.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as amended, Johannessen. Vehicles: noise citations.

Existing law generally restricts the noise levels of vehicular exhaust systems on motor vehicles subject to registration. Existing law requires the Commissioner of the California Highway Patrol to adopt regulations providing that exhaust systems comply with statutory noise restrictions if they are installed on motor vehicles, other than motorcycles and new motor vehicles, with a gross vehicular weight of less than 6,000 pounds and emit no more than 95 dbA.

Existing law also requires the commissioner to adopt regulations providing for the licensing of stations to implement noise level standards.

This bill would ~~require~~ *allow* licensed smog check stations that offer referee functions to consumers to provide for the testing of vehicular exhaust systems only for those vehicles that have been issued a citation for the violation of specified exhaust system requirements. It would

require these stations to issue certificates of compliance for vehicles when tests of their exhaust systems demonstrate that the systems emit no more than 95 dbA ~~and when the referee has placed a permanent marking, as specified, on the exhaust system.~~ It would eliminate the requirement that the commissioner adopt regulations on that subject.

The bill would ~~further~~ require a station offering referee functions to charge a fee, as specified, to be deposited in the Vehicle Inspection and Repair Fund, for issuing a certificate of compliance.

Existing law gives a court discretion to dismiss a prosecution for violating vehicular noise level restrictions if, *among other things*, it finds that ~~both of the following conditions existed: (1) the vehicle was equipped with an exhaust system meeting regulations adopted by the commissioner and (2) the defendant had reasonable grounds to believe that the exhaust system was in good working order and that the vehicle was not operated in violation of applicable noise restrictions.~~

This bill would ~~require~~ *allow* a court to dismiss a prosecution for violating vehicular noise level restrictions if, *among other things*, it finds that ~~either of those conditions existed~~ *a certificate of compliance has been issued by a station providing referee functions.* It would allow a court to revoke a certificate of compliance if evidence is presented demonstrating that the vehicle exhaust system cited is not the system identified in the certificate of compliance, or that the system otherwise does not comply with existing standards.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44014 of the Health and Safety Code is
- 2 amended to read:
- 3 44014. (a) Except as otherwise provided in this chapter, the
- 4 testing and repair portion of the program shall be conducted by
- 5 smog check stations licensed by the department, and by smog
- 6 check technicians who have qualified pursuant to this chapter.
- 7 (b) (1) A smog check station may be licensed by the
- 8 department as a smog check test-only station and, when so
- 9 licensed, need not comply with the requirement for onsite
- 10 availability of current service and adjustment procedures specified
- 11 in paragraph (3) of subdivision (b) of Section 44030. A smog



1 check technician employed by a smog check test-only station shall
2 be qualified in accordance with this section.

3 (2) The department may authorize the placement of referees in
4 qualified test-only stations to provide referee services as a matter
5 of convenience to the public. The department shall supply those
6 referees directly or through a contractor. A referee shall have no
7 ownership interest in the facility at which the referee is located.
8 Referees shall be solely responsible for issuing repair cost waivers,
9 certificates of compliance or noncompliance, and hardship
10 extensions, in accordance with regulations adopted by the
11 department, and for issuing exhaust system certificates of
12 compliance in accordance with Section 27150.2 of the Vehicle
13 Code.

14 The department may adopt regulations to establish qualification
15 standards and any special administrative, operational, and
16 licensure standards that the department determines to be necessary
17 for test-only stations that perform referee services.

18 (c) A smog check station may also be licensed as a repair-only
19 station, and if so licensed, may perform repairs to reduce excessive
20 emissions on vehicles which have failed the smog check test.
21 Repair procedures and equipment requirements shall be
22 established by the department. Technicians employed by a smog
23 check repair-only station shall be qualified in accordance with this
24 section.

25 (d) Smog check technicians are qualified to test and repair only
26 those classes and categories of vehicles for which they have passed
27 a qualification test administered by the department. The
28 department shall provide for smog check technicians to be
29 qualified for different categories of motor vehicle inspection based
30 on vehicle classification and model-year.

31 (e) The consumer protection-oriented quality assurance
32 portion of the program may be conducted by one or more private
33 entities pursuant to contracts with the department.

34 SEC. 2. Section 27150.1 of the Vehicle Code is amended to
35 read:

36 27150.1. No person engaged in a business that involves the
37 selling of motor vehicle exhaust systems, or parts thereof,
38 including, but not limited to, mufflers, shall offer for sale, sell, or
39 install, a motor vehicle exhaust system, or part thereof, including,
40 but not limited to, a muffler, unless it meets the regulations and

standards applicable pursuant to this article. Motor vehicle exhaust systems or parts thereof include, but are not limited to, nonoriginal exhaust equipment.

A violation of this section is a misdemeanor.

SEC. 3. Section 27150.2 of the Vehicle Code is amended to read:

27150.2. (a) Stations providing referee functions pursuant to Section 44036 of the Health and Safety Code ~~shall~~ *may* provide for the testing of vehicular exhaust systems and the issuance of certificates of compliance only for those vehicles that have received a citation for a violation of Section 27150 or 27151.

(b) A certificate of compliance for a vehicular exhaust system shall be issued pursuant to subdivision (a) if the ~~following requirements are met:~~

~~(1) The vehicle complies with Sections 27150 and 27151. Exhaust systems installed on motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds comply with Sections 27150 and 27151 if they emit no more than 95 dbA when tested in accordance with Society of Automotive Engineers Standard J1169 May 1998.~~

~~(2) The referee has indicated, by an indelible or otherwise permanent marking on the underside of the exhaust system, that the exhaust system has been tested in accordance with Society of Automotive Engineers Standard J1169 May 1998 and complies with Sections 27150 and 27151.~~

(c) An exhaust system certificate of compliance issued pursuant to subdivision (a) shall identify, to the extent possible, the make, model, year, license number, and vehicle identification number of the vehicle tested, and the make and model of the exhaust system installed on the vehicle.

(d) The station providing referee functions shall charge a fee for the exhaust system certificate of compliance issued pursuant to subdivision (a). The fee charged shall be calculated to recover the costs incurred by the Department of Consumer Affairs to implement this section. The fees charged by the station shall be deposited in the Vehicle Inspection and Repair Fund established by Section 44062 of the Health and Safety Code.

(e) Vehicular exhaust systems are exempt from the requirements of Sections 27150 and 27151 if compliance with those sections, or the regulations adopted pursuant thereto, would

1 cause an unreasonable hardship without resulting in a sufficient
2 corresponding benefit with respect to noise level control.

3 SEC. 4. Section 27150.7 of the Vehicle Code is amended to
4 read:

5 27150.7. A court ~~shall~~ *may* dismiss any action in which a
6 person is prosecuted for operating a vehicle in violation of Section
7 27150 or 27151 if a certificate of compliance has been issued by
8 a station providing referee functions pursuant to Section 27150.2,
9 or if the defendant had reasonable grounds to believe that the
10 exhaust system was in good working order and had reasonable
11 grounds to believe that the vehicle was not operated in violation
12 of Section 27150 or 27151. A court may revoke a certificate of
13 compliance if evidence is presented demonstrating that the vehicle
14 exhaust system cited is not the system identified in the certificate
15 of compliance, or that the system otherwise does not comply with
16 Section 27150.2.

